(3)

No. 99-138

Supreme Court, U.S.
FILED
NOV 18 1999
CLERK

IN THE

Supreme Court of the United States

In the Matter of the Visitation of NATALIE ANNE TROXEL AND ISABELLE ROSE TROXEL, Minors, JENIFER AND GARY TROXEL,

Petitioners,

v.

TOMMIE GRANVILLE,

Respondent.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF WASHINGTON

JOINT APPENDIX

CATHERINE W. SMITH
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Seattle, Washington 98101
(206) 625-0085

PETITION FOR CERTIORARI FILED JULY 6, 1999
CERTIORARI GRANTED SEPTEMBER 28, 1999

76pp

TABLE OF APPENDICES

	Page
Relevant Docket Entries	1a
Excerpts From Verbatim Report Of Proceedings Of The Superior Court Of The State Of Washington For Skagit County Dated December 14, 1994 And December 19, 1994	30a
Decree Of Adoption Of Isabelle Rose Of The Superior Court Of Skagit County, Washington Dated And Filed October 28, 1996	60a
Decree Of Adoption For Natalie Anne Of The Superior Court Of Skagit County, Washington Dated And Filed October 28, 1996	64a
Findings Of Fact And Conclusions Of Law Dated And Filed January 3, 1996	68a

The following opinions, findings of fact, conclusions of law, decrees and orders have been omitted in printing this joint appendix because they appear in the appendix of the Petition for a Writ of Certiorari on the following pages:

Page

Opinion Of The Supreme Court Of Washington Dated And Decided December 24, 1998 In *Custody Of Smith* 1a

Opinion Of The Washington Court Of Appeals Dated July 28, 1997 In *In Re Visitation Of Troxel* 55a

Visitation Decree Of The Superior Court Of Washington For Skagit County Dated May 8, 1995 ..... 76a

Order Of The Supreme Court Of Washington Denying Motion For Reconsideration Dated And Filed April 6, 1999 ..... 81a

RELEVANT DOCKET ENTRIES

SUPREME COURT DOCKET INFO 66207 0 10/07/99

IN RE THE VISITATION OF: NATALIE ANNE TROXEL, ET AL
STATUS: DISPO

JENIFER TROXEL, ET UX., V. TOMMIE GRANVILLE
CONSOL TO: 65605 3

DATE S DESCRIPTION STAT ACT FILED BY NO.

01/14/98 CHECK CASE INFORMATION COM 004
65699-1 AND 66207-0 CONSOLIDATED UNDER 65605-3

01/18/97 CONSIDERATION ON PETITION FOR REVIEW
HRD ATT 09656 0140
** ANSWER CONTAINS A REQUEST FOR ATTORNEY FEES ***
HRD ON: 01/06/98 AT: 0000
BY: JDG2 DECISION: GRA

11/18/97 PEND 010

11/18/97 PETITION FOR REVIEW FIL 011

Relevant Docket Entries

DATE S DESCRIPTION STAT ACT FILED BY NO.

11/18/97 COURT OF APPEALS
CASE FILE (POUCH) REC 012
2 FILES #36737-4-I; CLERK'S PAPERS; VERBATIM REPORTS; APP BRI 1; APP SUPP BRI 1; ADD'L BRIEF OF APP 0; RES BRI 0; REPLY BRI 0; SUPP RES BRI 0

11/18/97 NOTICE OF INTENT
TO WITHDRAW FIL ATT 07577 015
DONALD BISAGNA WITHDRAWS AS ATTORNEY OF RECORD FOR RES TOMMIE GRANVILL AND HEREBY CONSENTS TO THE SUBSTITUTION OF CATHERINE W. SMITH AS ATTORNEY FOR RES

11/18/97 ANSWER TO PETITION
FOR REVIEW FIL ATT 09542 016
SERVICE SHOWN
** CONTAINS A REQUEST FOR ATTORNEY FEES ***

11/18/97 AFFIDAVIT FIL 017
DECLARATION OF FINANCIAL NEED OF TOMMIE WYNN (F/K/A GRANVILLE)

01/06/98 SETMC 013
DEPT II

Relevant Docket Entries

DATE S DESCRIPTION STAT ACT FILED BY NO.

01/07/98 ORDER ON
MOTIONS READY FIL SCJ 02020 018
THE PETITION FOR REVIEW IS GRANTED IN 65699-1, 66207-0 AND 65605-3
ALL THREE CASES ARE CONSOLIDATED UNDER NO. 65605-3. COUNSEL ON EACH SIDE OF THE ISSUE WILL SHARE ORAL ARGUMENT TIME 327/64

01/07/98 ORDER CONSOLIDATING
APPEAL SCJ 02020 019
APPEAL 662070 CONSOLIDATED TO 656053
ALL FURTHER DOCKET ENTRIES TO BE MADE UNDER CAUSE NO. 65605-3

03/11/98 HEARD 020
ENTERED — SET FOR HEARING ON MARCH 11, 1998 — EN BANC 2ND CASE 30 MINUTES ALLOTTED FOR ORAL ARGUMENT

12/24/98 OPINION FILED FIL SCJ 07747 021
FAX $111 137 WN.2D 1

Relevant Docket Entries

DATE	S	DESCRIPTION	STAT	ACT	FILED BY	NO.
04/06/99		MANDATE	DISPO	FIL	SCL 03901	022
		CASES ARE MANDATED TO THE SUPERIOR COURT FROM WHICH THE APPEALS WERE TAKEN FOR FURTHER PROCEEDINGS TO INCLUDE A DETERMINATION OF COSTS AND ATTORNEY FEES 102/196				
07/14/99		LETTER		FIL		023
		FROM ATTORNEY MARK OLSON ADVISING A PETITION FOR WRIT OF CERTIORARI HAS BEEN FILED IN THE US SUPREME COURT AND REQUESTED THE RECORD IN THIS CASE BE PRESERVED				

Relevant Docket Entries

Court: Washington State Court of Appeals — Division 01
Case: Jenifer Troxel, et al, Respondents
vs: Tommie Granville, Appellant
Filed on: 06/07/95
Note: Notice of Appeal Case Disposition

Appellant:	Granville, Tommie
Appellant's Attorney:	for Granville, Tommie
Name:	Bisagna, Donald James Bar Number: 07577
Person Number:	ATT 07577
Organization:	Attorney at Law
Address:	Po Box 2237
City/State/Zip:	Mount Vernon, WA 98273-2237
Phone:	(360) 336-6675
Fax:	(360) 336-5040
Minor:	Troxel, Natalie Anne
Minor:	Troxel, Isabelle Rose
Respondent:	Troxel, Jenifer
Respondent's Attorney:	for Troxel, Jenifer
Name:	Olson, Mark David Bar Number: 09656
Person Number:	ATT 09656
Address:	1601 5th Ave Ste 2200
City/State/Zip:	Seattle, WA 98101-1625
Phone:	(206) 625-0085
Fax:	(206) 625-0176

Relevant Docket Entries

Respondent:	Troxel, Gary
Respondent's Attorney:	for Troxel, Gary
Name:	Mcintosh, Mary H.
	Bar Number: 12744
Person Number:	ATT 12744
Address:	1020 S 3rd
City/State/Zip:	Mount Vernon, WA 98273-4302
Phone:	(360) 336-3400
Fax:	(360) 336-1962
Respondent's Attorney:	for Troxel, Gary
Name:	Olson, Mark David
	Bar Number: 09656
Person Number:	ATT 09656
Address:	1601 5th Ave Ste 2200
City/State/Zip:	Seattle, WA 98101-1625
Phone:	(206) 625-0085
Fax:	(206) 625-0176
TRIAL JUDGE	
Name:	Rickert, Michael
Person Number:	TCJ 13465
OTHER PARTICIPANTS	
Name:	Rickert, Michael E.
Title:	Judge of The Superio
	To: 01/08/98
Organization:	Superior Court Judge
Address:	Skagit County Courthouse
City/State/Zip:	Mt Vernon, WA 98273

Relevant Docket Entries

DATE	DESCRIPTION OF EVENT OR MOTION
06/07/95	Status: Case Pending
06/09/95	NOTICE OF APPEAL Fee Paid Receipt #43819 Document Action: Filed
06/19/95	DESIGNATION OF CLERKS PAPERS Document Action: Filed
06/19/95	STATEMENT OF ARRANGEMENTS 12/14-19/1994 Document Action: Filed
08/30/95	REPORT OF PROCEEDINGS {9/5/95} From Meg Corpolongo For 12/14-19/1994; Document Action: Filed
09/06/95	NOTICE OF APPEARANCE Mark D. Olson Appearing For Respondents Document Action: Filed
09/07/95	REPORT OF PROCEEDINGS 1 Vol, 12/14-19/1994 Document Action: Received
09/25/95	OTHER FILING Declaration of Service of The Vrp From Appellant to Counsel For Respondents Document Action: Filed

Relevant Docket Entries

DATE	DESCRIPTION OF EVENT OR MOTION
10/05/95	APPELLANTS BRIEF Brief Sent 10-23-95 Filed By: Bisagna, Donald James (ATT 07577) Document Action: Filed
10/25/95	MONETARY AMOUNT, NOT FILING FEE Appellants Brief $9.74 Chk 9058 Recpt 44519 Document Action: Filed
10/30/95	CLERK'S PAPERS 1 Vol, Pgs 1 - 126; Bisagna Document Action: Filed
11/15/95	COURT'S MOT FOR SANCT FOR FAIL TO FI F/F Resp Bri Status: Stricken / Vacated Hearing Date: 12/08/95 Hearing Time: 00:00 AM Decision: Stricken / Vacated
11/21/95	OTHER FILING Mot For Ext to File Resp Brief, For Order Remanding For Entry of Findings And Conclusions & Ord Permitting App to File Additional Arguments if Necessary After The Findings Has Been Supplied. Document Action: Filed

Relevant Docket Entries

DATE	DESCRIPTION OF EVENT OR MOTION
11/21/95	MOTION TO EXT TIME TO FILE RESPOND B 11/27/95 – 1/15/96 Filed By: Olson, Mark David (ATT 09656) Status: No Action Necessary Calendared for: Kesler, Julie A. (COM 07369) Hearing Date: 12/08/95 Hearing Time: 09:30 AM Decision: No Action Necessary
11/21/95	OTHER MOTION To Remand For Presentation of Findings & Conclusions And to Permit Additional Arguments if Necessary After Findings Supplied. Filed By: Olson, Mark David (ATT 09656) Status: Decision Reached at Hearing Calendared for: Kesler, Julie A. (COM 07369) Hearing Date: 12/08/95 Hearing Time: 09:30 AM Decision: Granted
12/05/95	RESPONSE TO MOTION Response to Resp Mot to Ext Time For Filing Resp Brief And For Remand For Presentation And Entry of Findings & Conclusions Filed By: Bisagna, Donald James (ATT 07577) Document Action: Filed

Relevant Docket Entries

DATE	DESCRIPTION OF EVENT OR MOTION
12/13/95	CO RL ON MOTIONS Ordered That This Case is Remanded to The Skagit County Superior Court For Entry of Written Findings of Fact And Conclusions of Law Within Three Weeks of This Order. Ordered That Within 30 Days>>>>> Filed By: Kesler, Julie A. (COM 07369) Document Action: Filed
12/13/95	OTHER FILING (Rul Cont'd)>>> of Entry of The Findings Appellants Shall File A Supplemental Opening Brief or Advise This Court if They do Not Intend To File Such A Brief. Ordered That Respondents Brief Will be Due>>>>>
12/13/95	OTHER FILING (Rul Cont'd)>>>> 30 Days After Appellants Supplemental Brief.
01/03/96	OTHER FILING Check on Status of Findings in Trial Court Findings Entered in Trial Court 1/3/96 Document Action: Information — Not Filed
01/15/96	LETTER Copy of Letter Sent to Trial Court With Supplemental Des. (A Copy Of The Supp Des Was Not Included With The Letter) Document Action: Filed

Relevant Docket Entries

DATE	DESCRIPTION OF EVENT OR MOTION
01/18/96	DESIGNATION OF CLERKS PAPERS Respondent's Supplemental Document Action: Filed
01/22/96	EXHIBIT #1, 2, 3, 4, 5 Document Action: Filed
01/29/96	DESIGNATION OF CLERKS PAPERS Appellant's Supplemental Document Action: Filed
01/29/96	OTHER MOTION Motion For Ext to File Appellant's Supplemental Brief to 3/4/96 Filed By: Bisagna, Donald James (ATT 07577) Status: No Hearing Scheduled
01/31/96	NOTATION ORDER ON MOTIONS Granting Ext to File Appellant's Brief Until 3/4/96. However, no Further Extensions Should be Anticipated. Filed By: Noris, Anne Margaret (ACL 11333) Document Action: Filed
03/04/96	APPELLANTS SUPPLEMENTAL BRIEF {2/2/96}* 1/29/96(2/2-3/4) Nfxa Brief Sent 3/13/96 Filed By: Bisagna, Donald James (ATT 07577) Document Action: Filed

Relevant Docket Entries

DATE	DESCRIPTION OF EVENT OR MOTION
03/26/96	MONETARY AMOUNT, NOT FILING FEE Appellant's Supplemental Brief $28.80 Ck#2437 Rcpt#45107 Document Action: Received
04/26/96	MOTION TO EXT TIME TO FILE RESPOND B Filed By: Olson, Mark David (ATT 09656) Status: No Hearing Scheduled
04/30/96	NOTATION ORDER ON MOTIONS Granting Ext to File Respondent's Brief to 5/13/96. However no Further Extensions Should be Anticipated. Filed By: Noris, Anne Margaret (ACL 11333) Document Action: Filed
05/13/96	MOTION TO EXT TIME TO FILE RESPOND B Filed By: Olson, Mark David (ATT 09656) Status: No Hearing Scheduled
05/22/96	RESPONDENTS BRIEF {4/2/96} 10 Day Letter Sent 11/15/95* 11/21/95(11/27-1/15) Due 30 Days After Appellant's Supplemental Brief is Filed. Brief Sent 7/5/96 Filed By: Olson, Mark David (ATT 09656) Status: Ready for Oral Argument Document Action: Filed

Relevant Docket Entries

DATE	DESCRIPTION OF EVENT OR MOTION
06/11/96	CLERK'S PAPERS 1 Vol, Pgs 127-131; Bisagna Document Action: Filed
06/24/96	APPELLANTS REPLY BRIEF W/Service Brief Sent 7/25/96 Filed By: Bisagna, Donald James (ATT 07577) Document Action: Filed
07/10/96	OTHER CO RL Ordered That This Appeal is Referred to A Panel For Consideration On The Next Available Judges Motion Calendar Filed By: Verellen, James Richard (COM 06850) Status: Referred to Panel By Court Commissioner Document Action: Filed
07/10/96	OTHER MOTION Referred Per Commissioner's Ruling Status: Decision Reached at Hearing Calendared for: Agid, Susan R. (ACJ 01922) Hearing Date: 10/18/96 Hearing Time: 09:30 AM Decision: Granted
07/15/96	MONETARY AMOUNT, NOT FILING FEE Respondent's Brief $18.24 Ck#7737 Rcpt#45538 Document Action: Received

Relevant Docket Entries

DATE	DESCRIPTION OF EVENT OR MOTION
07/25/96	MONETARY AMOUNT, NOT FILING FEE Appellant's Reply Brief $10.15 Ck#9575 Rcpt#45608 Document Action: Received
10/11/96	LETTER Advising Counsel That This Case is Set For 10/18/96 on The Judges Calendar Without Oral Argument. Document Action: Sent
11/04/96	ORDER GRANTING PRIORITY Ordered That The Case is Set For Oral Argument Before The Undersigned Panel on The Earliest Possible Date During The Winter 1997 Term And it is Further Ordered Filed By: Cox, Ronald Edward (ACJ 05080) Document Action: Filed
11/04/96	ORDER ON MOTIONS Ordered That no Later Than 45 Days From The Date of This Order, The Parties Shall Simultaneously Submit Additiona Briefs, Not to Exceed 20 Pages Filed By: Cox, Ronald Edward (ACJ 05080) Document Action: Filed
11/25/96	OTHER FILING Change of Address For Mark Olson Called For Service 11/26/96 Document Action: Filed

Relevant Docket Entries

DATE	DESCRIPTION OF EVENT OR MOTION
12/18/96	APPELLANTS SUPPLEMENTAL BRIEF {12/19/96} no More Than 20 Pages Circ to Panel 12/19/96 Filed By: Bisagna, Donald James (ATT 07577) Document Action: Filed
12/18/96	OTHER FILING Appellant's Motion to Consider Additional Evidence. Circ to Panel 12/19/96 Document Action: Filed
12/18/96	MOTION TO EXT TIME TO FILE RESPOND B Ext to File Respondent's Supp Brief 12/19/96 – 12/14/96 Filed By: Olson, Mark David (ATT 09656) Status: No Hearing Scheduled
12/24/96	RESPONDENTS SUPPLEMENTAL BRIEF {12/19/96} no More Than 20 Pages *12/18/96(12/19-12/24) Service Filed 1/2/97 Circ to Panel 12/30/96 Filed By: Olson, Mark David (ATT 09656) Document Action: Filed
01/08/97	NOTATION ORDER ON MOTIONS After Consultation With The Panel, The Motion (To Consider Additional Evidence) is Granted. Filed By: Noris, Anne Margaret (ACL 11333) Document Action: Filed

Relevant Docket Entries

DATE	DESCRIPTION OF EVENT OR MOTION
01/09/97	A1 Ltr Sent 12/2/96 Status: Oral Argument Heard
01/15/97	DESIGNATION OF CLERKS PAPERS Appellant's Supplemental (At Request of Court) Document Action: Filed
01/28/97	CLERK'S PAPERS 1 Vol, Pgs 132-137; Appellant Document Action: Filed
07/28/97	OPINION We Reverse The Visition Decree And Dismiss The Troxel's Petition For Visition Filed By: Cox, Ronald Edward (ACJ 05080) Status: Decision Terminating Review Filed Document Action: Filed
08/04/97	COST BILL By Appellant, $1542.44 Filed By: Bisagna, Donald James (ATT 07577) Document Action: Filed
08/08/97	OTHER FILING Respondent's Motion For Reconsideration Circ to Panel 8/11/97 Chk 9/2/97 Filed By: Olson, Mark David (ATT 09656) Document Action: Filed

Relevant Docket Entries

DATE	DESCRIPTION OF EVENT OR MOTION
08/08/97	MOTION FOR RECONSIDERATION Filed By: Olson, Mark David (ATT 09656) Status: No Hearing Scheduled
08/25/97	RESPONSE TO MOTION Respondent's Objection to Cost Bill Filed By: Olson, Mark David (ATT 09656) Document Action: Filed
09/08/97	ORDER ON MOTIONS Ordered That The Motion For Reconsideration is Denied. Filed By: Cox, Ronald Edward (ACJ 05080) Document Action: Filed
10/08/97	PETITION FOR REVIEW W/$200 Filing Fee CK #2339 W/Serv Filed By: Olson, Mark David (ATT 09656) Document Action: Filed
11/14/97	COURT OF APPEALS CASE FILE (POUCH) To Supreme Court 1 T/C File; 1 Coa File; 2 Appellant's Briefs Document Action: Sent
11/21/97	LETTER From Supreme Court Advising The Case is Set on The 1/6/98 Calendar #66207-0 Document Action: Filed

Relevant Docket Entries

DATE	DESCRIPTION OF EVENT OR MOTION
01/08/98	OTHER FILING Copy of Order Granting Prv And Consolidating Under 65605-3 Document Action: Filed
01/08/98	Status: Case Disposition
03/26/98	OTHER ORDER Ordered That The Opinion Filed on 7/28/97 And Reported at 87 Wn.App. 131,940 P.2d 698 be Changed at The First Sentence of 3rd Full Paragraph. Filed By: Cox, Ronald Edward (ACJ 05080) Document Action: Filed
04/01/98	LETTER From Mr. Bisagna Advising he is no Longer Counsel on This Case. Ms Smith Filed A Notice of Appearance in Supreme Court But Not in This Court. The Order Entered 3/26/98 Has Been Forwarded to Ms. Smith Document Action: Filed
04/12/99	OTHER FILING Copy of Mandate Entered in Supreme Court Document Action: Filed

*** End of Docket ***

Relevant Docket Entries

Court: State of Washington — Skagit County Superior Court
Case: In RE Natalie Anne Troxel & Isabelle Rose Troxel — Domestic
Judge:
Filed On: 12/02/1993
Note: *Case Compltd 03/28/98*

Sub #	Date	Description	Secondary
	12/02/93	Filing Fee Received	110.00
1	12/02/93	Summons & Petition For For Visitation Proceeding	
2	12/10/93	Affidavit of Service	
3	12/29/93	Notice of Appearance	
4	02/04/94	Note For Motion Docket Visitation	02/14/94D4
5	02/09/94	Motion For Temporary Visitation By Grandparents	
6	02/09/94	Resp's Response to Pet For Visitation Rights	
7	02/10/94	Mt & Dclr For or Striking MT For Grandparents Visitation	

Relevant Docket Entries

Sub #	Date	Description	Secondary
8	02/10/94	Note For Motion Docket Strike by Ph, Mcintosh 2-11 Strike or – Rsp	02/14/94D4
9	02/10/94	Affid/ Nora Fleming Young, PH D	
10	02/11/94 02/14/94	Affidavit of Respondent Hearing Cancelled: Unknown Party Judge Mike Rickert	
11	03/16/94	Grandmother's Stmt RE Visitation	
12	03/16/94	Note For Motion Docket Temp or (Pt)	03/28/94D4
13	03/16/94	Affidavit of Service	
14	03/22/94	Resp's Response to Grandmother's Stmt RE Visitation	
15	03/22/94	Affidavit: Nora Young Phd	
16	03/25/94	Memorandum of Authorities Supportin Grandparent Visitation	

Relevant Docket Entries

Sub #	Date	Description	Secondary
17	03/28/94	Order Granting Grandpt Visitation(C MicroFilm 454-0819	
	03/28/94	Motion Hearing Commissioner Susan K. Cook	
18	04/15/94	Order Granting Grandparents Visitation — Amended Commissioner Susan K. Cook MicroFilm 455-2208	
19	08/24/94	Subpoena — Deposition Dr Nora Young	
20	08/24/94	Notice of Deposition Dr Nora Young	
21	09/08/94	Note For Motion Docket 1/2 Day — Mhm	09/19/94AS
22	09/19/94	Letter/Conflicts: Aty Bisagna	
23	09/26/94	Notice of Trial Date 12/14/94	
24	10/19/94	Notice of Vacation Schedule Bisagna, Donald James	

Relevant Docket Entries

Sub #	Date	Description	Secondary
25	11/29/94	Subpoena Duc Tec: Tommie Granville	
26	11/29/94	Subpoena: Christine Barber	
27	11/30/94	Notice of Deposition of Jenifer Troxel	
28	11/30/94	Notice of Deposition of Gary Troxel	
29	12/07/94	Subpoena For Tamar Groffman	
30	12/08/94	Subpoena: Nora Young Phd	
31	12/08/94	Affidv/Svc: Tamar Groffman	
32	12/13/94	Pretrial Affidavit of Respondent	
33	12/14/94	Exhibit List	
34	12/14/94	Deposition Published Jenifer Troxel	
34A	12/14/94	Non-Jury Trial Judge Mike Rickert	

Relevant Docket Entries

Sub #	Date	Description	Secondary
35	12/14/94	Deposition Pub Tommie Granville	
	12/14/94	Court Reporter Notes (2) Meg MicroFilm B-404	
	12/19/94	Court Reporter Notes Meg MicroFilm B-404	
36	12/22/94	Note For Motion Docket Enter Orders (Mhm)	01/03/95D4
37	01/03/95	Note For Motion Docket St/Phone/1-6-94/Atty Bisagna Final Papers (Djb)	01/09/95D4
38	01/05/95	Note For Calendar Entry of Orders	01/30/95D2
	01/09/95	Hearing Cancelled:def Atty Request Commissioner Susan K. Cook	
	01/30/95	Motion Hearing Judge Mike Rickert	
39	04/11/95	Ltr Frm Aty Bisagna to Aty Mcintosh	
40	04/13/95	Ltr FM Aty Mcintosh to Aty Bisagna	

Relevant Docket Entries

Sub #	Date	Description	Secondary
41	04/28/95	Note For Motion Docket Entry of Orders — MH Mcintosh	05/08/95D2
42	05/08/95	Visitation Decree Judge Mike Rickert MicroFilm 483-1330	
	05/08/95	Motion Hearing Judge Mike Rickert	
43	06/07/95	Notice of Appeal	
44	06/07/95	Affidavit of Mailing	
45	06/08/95	Transmittal Letter — Copy Filed Naca, $, Orders to CT of Appeals	
46	06/12/95	Receipt Frm Court of Appeals	
47	06/16/95	Designation of Clerk's Papers	
48	06/16/95	Affidavit of Mailing — Copy	
49	06/20/95	Nt of Perfection Frm CT of Appeals	
	08/30/95	Verbatim Rpt/Proc'g (1vol) Meg	

Relevant Docket Entries

Sub #	Date	Description	Secondary
50	09/01/95	Verbatim Rpt Transmitted to Ct/Appl	
51	09/11/95	Receipt For Verb Rpt From Ct/Appeal	
52	10/27/95	Transmittal Letter — Copy Filed Clks Papers Dsgntd by Aty Bisagna	
	10/27/95	Clerk's Papers — Fee Assessed	67.00
53	11/01/95	Receipt Frm CT of Appeals	
	11/14/95	Clerk's Papers — Fee Received	67.00
54	12/15/95	Motion to Reopen	
55	12/15/95	Note For Motion Docket Set Child Suppt — Nitteberg	01/08/96D4
56	12/19/95	Note For Motion Docket Spcl Set Bfr Rickert 01/03/96 9:15 AM — Mhm	
57	12/27/95	Declaration in Response to Petitioner's MT to Reopen Trial	

Relevant Docket Entries

Sub #	Date	Description	Secondary
58	01/03/96	Findings of Fact & Conclusions of Law Judge Mike Rickert	
59	01/03/96	Motion Hearing Judge Mike Rickert MicroFilm 502-1358	
	01/03/96	Court Reporter Notes Meg MicroFilm B-446	
	01/08/96	Hearing Stricken:in Court Nonappear Marilyn Nitteberg	
60	01/17/96	Designation of All Exhibits	
61	01/17/96	Declaration of Mailing	
62	01/18/96	Transmittal Letter — Copy Filed All Original Trial Exhibits to Ct of Appeals	
63	01/23/96	Receipt Frm CT of Appeals	
64	01/25/96	Designation of Clerk's Papers MicroFilm 505-1542	

Relevant Docket Entries

Sub #	Date	Description	Secondary
65	01/25/96	Declaration of Mailing	
66	06/10/96	Transmittal Letter — Copy Filed Pp's Designated by Aty Bisagna	
	06/10/96	Clerk's Papers — Fee Assessed	8.50
67	06/12/96	Transmittal Letter — Copy Filed Clerk Papers Desinate by D Bisagna	
	07/10/96	Clerk's Papers — Fee Received	8.50
68	01/14/97	Letter Frm Aty Bisagna to CT Clerk	
69	01/14/97	Designation of Clerk's Papers	
70	01/14/97	Declaration of Mailing	
71	01/27/97	Transmittal Letter — Copy Filed Designation of Aty Bisagna	
	01/27/97	Clerk's Papers — Fee Assessed	7.00

Relevant Docket Entries

Sub #	Date	Description	Secondary
72	01/29/97	Receipt(S) Frm CT of Appeals	
	02/11/97	Clerk's Papers — Fee Received	7.00
73	03/30/97	Mandate From CT of Appeal MicroFilm 572-0942	
74	04/08/99	Mandate From CT of Appeal MicroFilm 607-0524	
75	04/15/99	Letter From Supreme Court & Exhibits 1-4 (Didn't Receive 5 Frm Division I)	

*** End of Docket ***

Relevant Docket Entries

Sub #	Date	Description	Secondary
	12/02/93	Filing Fee Received	110.00
	10/27/95	Clerk's Papers — Fee Assessed	67.00
	11/14/95	Clerk's Papers — Fee Received	67.00
	06/10/96	Clerk's Papers — Fee Assessed	8.50
	07/10/96	Clerk's Papers — Fee Received	8.50
	01/27/97	Clerk's Papers — Fee Assessed	7.00
	02/11/97	Clerk's Papers — Fee Received	7.00

EXCERPTS FROM VERBATIM REPORT OF PROCEEDINGS OF THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR SKAGIT COUNTY DATED DECEMBER 14, 1994 AND DECEMBER 19, 1994

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON
FOR SKAGIT COUNTY

Skagit County Cause No. 93-3-00650-7

Court of Appeals No. 36737-4-I

In Re the Visitation of:
NATALIE ANNE TROXEL
ISABELLE ROSE TROXEL,

Minors,

JENIFER TROXEL and GARY TROXEL,
Grandparents,

Petitioner,

vs.

TOMMIE GRANVILLE, Mother,

Respondent.

VERBATIM REPORT OF PROCEEDINGS

* * *

Excerpts from Verbatim Report of Proceedings

[OPENING STATEMENT BY MR. BISAGNA]

[9] * * *

Right off the bat we'd like to say that our position is that grandparent visitation is in the best interest of the children. It is a matter of how much and how it is going to be structured is why we [10] are here to date for this day.

* * *

. . . Basically the parents should have the say so as to when visitation should take place, and whenever visitation should take place — . . .

* * *

Again, grandparents, according [11] to the people we are going to be having come and testify say they are supposed to be in a supportive role. Parents should have the major say as to their children's lives and the visitation and normal visitation the experts will tell you is when the parents and children go over to the grandparents house or when the grandparents go over to the children's house and visit.

What's been happening is quite different. This is where the rub is. What's been happening is the grandparents are having separate birthday parties for the children; the grandparents are having separate Christmases for the children; the grandparents are calling Isabelle, Rose. Rose is Isabelle's middle name. Parents call Isabelle, Isabelle and grandparents call Isabelle, Rose.

The grandparent's son committed suicide in their house in June of 1993 or May of 1991?

MS. MCINTOSH: May of 1993.

MR. BISAGNA: Sorry, May of 1993. The information we have the grandparents have talked about the grandchildren's father without discussing it with the parents, without discussing how they want to handle it. These are all sorts of things that the experts find not nurturing to the children and [12] certainly not supportive of the parents and again, it has caused the trouble which leads us here today. Tommie Wynn, the mother of these two children, has told the grandparents she thinks that once a month is reasonable visitation and special days for the children, such as the children's birthdays and holidays. She thinks the grandparents should visit on those occasions as grandparents, not as the noncustodial parent would visit. The non-custodial parent might have —

* * *

[CROSS EXAMINATION OF JENIFER TROXEL BY MR. BISAGNA]

[57] * * *

Q. Do you think it would be appropriate for grandparents to support the parents and visit with the children as a family, a whole family, in other words the grandparents come to the parent's home or the parents and children coming to the grandparent's home?

A. When the relationship is normal.

Q. Is the relationship normal here?

A. At this point in time I do not believe it was normal.

Q. Is that because you had filed a lawsuit requesting the court to order a visitation?

A. Correct.

Q. Is that because Tommie had suggested to you she thought one day a month, did she say special days, too, one day a month and special days was appropriate?

A. I don't recall the term "special days" but one day.

Q. I believe you told your counsel you didn't think you [58] ought to see the children, you don't think you ought to see the children on holidays because it might be disruptive on family life. You have to answer out loud so the court reporter can take it down?

A. The petition, yes. That's correct.

Q. Is that your position now?

A. We are asking the Court for specific court ordered days, anything that we can get outside of that would be cherished.

Excerpts from Verbatim Report of Proceedings

Q. Is it still your position that holidays, visiting on holidays would be too disruptive on the family, the family of Tommie, Kelly, Natalie and Isabelle?

A. It could or it could not. It would be depending upon how the visitation was structured.

Q. Do you visit with, I'm sorry, you do visit with your other grandchildren on holidays?

A. Yes.

Q. You do visit with them on birthdays?

A. Yes.

Q. Do you ever visit with them alone when parents aren't there?

A. They have visited in our home without their parents, yes.

Q. I'm talking about visiting rather than babysitting?

A. Yes.

[59] Q. And how often does that occur, ma'am.

A. Maybe as often as once a month.

Q. How long are you with the children during these once a month visits, ma'am?

Excerpts from Verbatim Report of Proceedings

A. An afternoon.

Q. Do you have them overnight?

A. We have, yes.

Q. What's the occasion you'd have them overnight?

A. Usually parents wanted to get away.

Q. Any other times than that, ma'am?

A. The oldest granddaughter, she is just a joy to have around, she likes to stay at grandma's house.

Q. How old is she?

A. She is eight and a half.

* * *

[DIRECT EXAMINATION OF DR. GROFFMAN BY MR. BISAGNA]

[70] * * *

Q. I asked you whether or not there was an appropriate grandparent grandchild visitation, you said process or scheduled.

A. I think an appropriate grandparent grandchild visitation is one that is aimed at what the child's needs are, and

that those needs are primary. And that will be consistency between grandparents and grandchild, that the grandchild have a sense of security about being able to have time with the grandparent if it is a grandparent who is involved with a grandchild.

Q. Thank you very much. You answered three of my [71] questions with that answer. You stated that the child's needs are primary, is that correct?

A. Yes.

Q. How do you relate in the scheme of things grandparent, parent, child, the needs of the grandparent in this process?

A. Well, I say child's needs are primary, because the child is the individual who is still forming, so that the process of parenting is one that should enhance development and support development, and then the next family members who, extended family members who are not part of the nuclear family, I would see that their roles would also have to do with furthering development of all children in the family. I know we are talking specifically about these two children.

Q. What's the parent's role, if any, in this situation or in this relationship between the grandparent and grandchildren?

A. The parent's role is one of encouraging a relationship, not undermining grandparent relationship with the child. I see that role as being important for any of the adults in the family, not restricted to the parents.

Q. What's the grandparent's role with the, I think you said nuclear family. I guess I take it on the parent [72] and children?

A. Right.

Q. What is the grandparent?

A. Again, the point is to further development of children in the family, and their role is to be supportive and loving and not undermine the relationship between the children and their parents or other individuals in the family.

Q. If there was to be a decision maker as to grandparent grandchild visitation with children of say the ages two to five or two to six, who would be the decision maker?

A. Parents, definitely.

Q. Do you agree with the philosophy what is in the best interest of the children what we should all be looking at?

A. Absolutely.

Q. Are your opinions based upon what's in the best interest of the children?

A. They are.

* * *

Excerpts from Verbatim Report of Proceedings

[75] * * *

Q. If a situation exists where there are grandparents and there are the paternal grandparents, the father is dead, no longer alive and the mother and grandchildren, that is the situation we have, would your opinions change regarding grandparent grandchildren visitation because of the death of the son, or the father of the children? Is my question at all clear to you?

A. No, it wouldn't change. The overriding activity in that situation versus one where the parent is alive is the fact that the children are having to experience one of the most major losses that they have ever experienced in their lives and that has significant profound affect on those children, so that it is even more important for the adults that are involved with those children to be very clear with each other and supportive of each other's efforts with the children.

Q. Would you in any way suggest it is in the best interest of the children for the grandparents in that situation to have more visitation, because their son, the father of the children, is dead?

[76] A. I don't see that has anything to do with that.

Q. I'm asking because we all need to know. How does a death of the parent affect the children and what they need?

A. Loss of a parent is one of the most damaging, psychologically damaging experiences that a child can

Excerpts from Verbatim Report of Proceedings

have. It affects young children. I don't have to predict it on young, it affects children in that they become much more anxious and have a much, much greater need for security and stability. They cling, they can have nightmares, they can behave, the technical term for it is regressed. That means they behave as if they were much younger. They can have periods of time where they seem to be doing fine and then suddenly behave in a much more regressed and unpredictable way. They can have long periods of time of feeling very angry and defiant and angry outbursts.

* * *

[82] * * *

Q. . . . If the grandparent, in this case Jenifer Troxel, blames Tommie, the surviving wife, for her son, Brad's, suicide, what affect might that have on the best interest of these two children, Natalie and Isabelle?

A. You're asking me if I have an opinion about that or answer that question?

Q. Answer that question.

A. That would be very damaging to the children. Survivor's family, family members of survivors of suicide have a lot of emotion to deal with as a result of the suicide and whether or not that spills out on to the kids and when the only surviving parent that these two children have is blamed, that is extremely damaging to the child's

development as well as their sense of security and safety in the world at the present, because their loyalty is always being pulled on.

* * *

[83] * * *

Q. If they can't agree how to handle this situation?

A. It will be very damaging to these kids so long as that disagreement exists.

* * *

[88] * * *

A. . . . If they are unable to resolve the dispute regarding how to handle?

Q. Brad's suicide.

A. The communicating to the kids about Brad's suicide?

Q. The question is how would that affect your opinion regarding grandparent visitation, I guess is what I'd like to ask.

A. I think that the visitation should be more limited when there is a dispute about something so significant to the children's development.

Q. Thank you very much.

* * *

[89] Q. The Troxeles are requesting every other weekend from Friday until Sunday, Friday evening until Sunday evening, two weeks in the summer, and I think that's all she said in her direct examination. What is your opinion of that kind of a visitation schedule in this case?

MS. MCINTOSH: Objection, it doesn't state Troxeles' testimony correctly. Mrs. Troxel wants second and fourth weekends except two months of the year, May and December.

MR. BISAGNA: I apologize. That is accurate, second and fourth weekends and in every month except May and December they want first and third weekends but also two weeks in the summertime.

A. What is my opinion of that?

Q. What is your opinion of that type of visitation for Natalie and Isabelle?

A. That is excessive to me. It is much more in line with what gets set up for a non-custodial parent in a parenting plan rather than grandparents.

Q. What's wrong with that in this particular case, ma'am?

A. One of the things that is wrong with it is the conflict between the two households, and the effect on the kids, I

think the kids get pulled on [90] emotionally and it is not something that's being supported by both these parents, the grandparent and parent unit, so they are not, it is not, kids are not focused. They are not the main focus in terms of their needs. It is grandparent's needs that are in question.

* * *

[91] * * *

Q. Is there then a difference between a non-custodial parent and visitation with his or her children and a grandparent and visitation with their grandchildren?

A. Yes.

Q. Have you already told us what the distinction is or is there something else you need to say?

A. Well, privacy of the parent, father, mother, child relationship and the grandparent, aunts and uncles and cousins are a degree removed.

Q. When there is a dispute over visitation in your [92] opinion who should decide visitation?

A. The parents.

Q. Why?

A. Because ultimately they are responsible for the development, raising this child. And they need to have

the control, the authority, the responsibility, and information to make those decisions.

Q. Thank you. If you have already answered this I'm sure there will be an objection. What is in the best interest of the children, for Isabelle and Natalie, in this case as far as visitation for this case?

A. I think the plan that Tommie has recommended is in their interest.

Q. Is it in their best interest?

A. Yes.

Q. What's the nature of the relationship between these grandparents, paternal grandparents and Tommie Wynn?

A. It appears to me to be conflicted or we wouldn't be sitting here today.

* * *

[CROSS EXAMINATION OF DR. GROFFMAN BY MS. MCINTOSH]

[99] * * *

Q. . . . Let me rephrase. If the Troxeles and Mrs. Wynn determine a unified approach on how to communicate with the children on the children's death as they go, that conflict then is resolved, would your opinion as to one six hour visit a week change?

A. Yes.

* * *

[102] * * *

Q. What did she tell you the extent and nature of the alcoholism in the Troxel family?

A. That Brad had received alcohol treatment and that she had concern about amount and frequency of local use in the Troxel family.

Q. Were her concerns about the amount and frequency of use of alcohol in the Troxel family related to Gary and Jenifer Troxel or the siblings, aunts and uncles [103] of the children?

A. I don't recall that.

Q. What did she say was the amount and frequency of alcohol use in the Troxel family?

A. I didn't ask her specifics like that because the Troxel family wasn't the focus of therapy, the children and needs around the children were.

Q. Would your opinion change if you learned or were convinced there was no alcoholism or drug abuse in the Troxel family?

A. Of course.

Q. Did Tommie Granville also state to you she has concerns with how her children's father's suicide is being represented to the girls by the Troxel family?

A. Yes.

Q. What if anything did she say, where, from where came her concerns, what facts, in other words the children talking, telephone calls she overheard, what?

A. Children talking, I remember and I know there were other examples that over time she brought in. I don't remember what the source of that information was.

Q. Did the children talk to you?

A. No, not about that. I have talked with the children but not in a therapy relationship.

[104] Q. Isn't it true you talked to the children on one occasion?

A. No, children have been there because of child care problems. They have probably been to four or five times I have seen them. They have been in the office for a period of time.

Q. Of those four or five times, though, isn't it true you didn't speak to them each time?

A. I spoke to them. I didn't speak to them as a therapist.

Q. Similarly she related to you Troxel family is blaming her for the suicide?

A. Yes.

Q. You were of the opinion in your testimony prior to lunch that these children needed consistency. Would that also go to the consistency of seeing the Troxel family the same frequency and duration they saw the Troxel family prior to this litigation?

MR. BISAGNA: I'm sorry, prior to what?

MS. MCINTOSH: This litigation, prior to today.

A. It would depend. I think there are a number of factors there. I have been paying attention to grandparent visitation, and my understanding from you is that there was visitation that when their dad was [105] alive he would take them to his parent's home frequently, and that was in the context of parent visitation.

Q. Let me ask my question slightly differently. You discuss consistency relative to the child's need for grandparent visitation, do you recall that?

A. Yes.

Q. That also after a death of a parent that children do need a sense of security and consistency?

A. Yes.

Q. And would that not be served by a similar pattern of visitation with extended family after a death?

A. Depending on the nature, the emotional atmosphere of that visitation, consistency is one of the factors, emotional atmosphere is another factor, what happens in the home is another factor.

Q. Now, you also surrounded your opinions regarding the ultimate issue in this case relative to conflict. What other conflict do you believe exists between the two parents other than the how-to to deal with the children about their father's death, what other conflict?

A. There is a conflict of how frequent to visit.

Q. Any other conflict other than that?

Q. In other words are they conflicted on values or [106] discipline or on anything, religion or do you know of anything else?

A. I don't know of anything else.

* * *

[DIRECT EXAMINATION OF GARY TROXEL BY MS. MCINTOSH]

[115] * * *

Q. Have you ever discussed Brad's, cause of Brad's death with Natalie and/or Isabelle?

A. No.

Q. If ever the time came when they, it was time to discuss that, would you desire to have a unified approach with Mrs. Wynn?

A. Yes, certainly.

* * *

[DIRECT EXAMINATION OF DR. YOUNG BY MR. BISAGNA AND CROSS EXAMINATION BY MS. MCINTOSH]

[138] * * *

BY MR. BISAGNA:

Q. Based upon your training and experience and your education and the items we have talked about before, do you have an opinion as to what visitation scheduled for Natalie and Isabelle would be in their best interest?

A. Yes, I believe the schedule by Mr. and Mrs. Wynn would be customary and usual for grandparents.

Q. Why would that be in their best interest?

A. It is in the best interest of the children always to support the parents. The grandparents' role is one to support the parents.

Q. In your opinion who should have final say so as to grandparent visitation, the parent or grandparents?

[139] A. The parents.

* * *

[143] * * *

Q. In your opinion would grandparent visitation with grandchildren be significantly altered in the grandparent's child, in this case father of the children, died, should their visitation be any different because of it?

A. No.

Q. Why not?

[144] A. Because more accelerated visitation schedule doesn't necessarily meet the child's needs. It may meet the adults but not the child.

Q. Would meeting the adult's needs necessarily be in the child's best interest?

A. Usually not.

Q. If the grandparents here, Troxeles, tip top best grandparents in the world, what would your recommendation be to the Court regarding visitation with Natalie and Isabelle?

Excerpts from Verbatim Report of Proceedings

A. I would support the visitation schedule proposed by Tommie Wynn because it is the usual, customary and the one best tolerated by very young children.

* * *

CROSS EXAMINATION

BY MS. MCINTOSH:

* * *

Q. You just testified there is no difference between grandchild or grandparent visitation if there was a death of a parent. Do you believe it is important that children know and are exposed to their family [145] heritage of a parent who died?

A. Of course.

Q. And if you were faced with a situation where surviving parent was unable to expose children to that family heritage, would you encourage the Court to order grandparent visitation?

A. I do want grandparent visitation, certainly. The customary and usual grandparent visitation. I think grandparents are very important. I'm one myself.

* * *

Excerpts from Verbatim Report of Proceedings

[149] * * *

Q. There are exceptions to your rule that parents today have discretion in parent's role?

A. Absolutely.

Q. Just one moment. I would like to ask you this. You rendered an opinion for the setting up of temporary visitation in this case early spring, right?

A. Yes.

Q. And in making that opinion your opinion was the same as it is today, was it not?

A. Yes.

Q. In making that opinion you are concerned about the fact that Mrs. Troxel had required that the children sleep in the room where their father had committed suicide, were you not?

[150] A. Yes.

* * *

Excerpts from Verbatim Report of Proceedings

[REDIRECT EXAMINATION OF DR. YOUNG BY MR. BISAGNA]

[159] * * *

Q. Do you have an opinion as to whether or not overnight visitation, any overnight visitation with Natalie and Isabelle and the paternal grandparents is the best for the children?

A. I'd like to see overnight visitation delayed until the family is much more stable and children are a little bit older. Our children get anxious when they are separated from their parents, they often feel abandoned. They don't have a sense of time. Usually bedtime they are wondering when mom is going to come and get them. Little people are not always rational, they are emotional. At this age they are very easily disturbed.

Q. Do you feel it would be in the best interest of the children to have any overnight visitation with the [160] Troxeles?

A. Not at this age. I'd like to see them a little bit older when they understood mom and dad would come and get them in the morning.

* * *

Q. Just to make sure I clearly understand your testimony, in this situation, as we have it today, you believe that Tommie should have discretion regarding grandparent visitation, is that accurate?

Excerpts from Verbatim Report of Proceedings

A. Yes.

* * *

[RE-CROSS EXAMINATION OF DR. YOUNG BY MS. MCINTOSH AND CROSS EXAMINATION BY MR. BISAGNA]

[163] * * *

Q. So has there been any contact given to you by the children that they were traumatized or bothered or anything else or scared or anything the time they spent all night with the Troxeles?

A. A little anxiety, seemed to be anxious, they have not [164] been traumatized. They enjoy their visits.

* * *

[DIRECT EXAMINATION OF TOMMIE WYNN BY MS MCINTOSH]

[186] * * *

Q. Did you ever, when you separated from Brad Troxel, he had parenting time with the children, isn't that correct?

A. Yes.

Q. And eventually that was reduced to a court order [187] signed by Skagit County Superior Court Commissioner, isn't that true?

A. Yes.

* * *

[190] * * *

Q. Turning to Page 18, my question was, "Did you ever interfere with telephone contact with the children"? And your answer was, I'm going to ask if this was your answer, "There was a phone call in February of 1994 that I stated to Mrs. Troxel that our psychologist felt it was best Mrs. Troxel communicate through cards and notes until this action was settled; but prior to that I did not interfere with any phone calls." Did you make that statement?

[191] A. Yes.

Q. Now, isn't it true that you have no facts known to you that Mrs. Troxel ever inappropriately discussed the death of Brad Troxel with your children, isn't that true?

A. Yes.

Q. And isn't it also true that you have no personal information with regard to any alcohol abuse currently in the Troxel household, Jenifer and Gary Troxel?

A. Yes.

Q. You have stated in a sworn statement as part of your pre-trial affidavit that you believe that Jenifer and Gary

Troxel blame you for the suicide of their son. Now, do you have any personal information that they have ever manifested that blame in the presence of the children, have they ever shown any of that blame in the presence of the children?

A. I'm never with them when they are with the children, so I don't know.

Q. You have no personal information, even from the children, that they have stated that, isn't that true?

A. Yes.

Q. But would it be a fair statement that you do have [192] some fear of that?

A. Yes.

Q. Now, you have also stated that you believe that, at least last February and March, you stated that you believe the Troxeles were unstable people. Do you have any personal facts or information that they are unstable at this time?

A. No.

Q. At the time that you were taking children to see Doctor Young, which started, did it not, in January of '94?

A. Yes.

Q. Isn't it true at that time that you knew that the children had never stayed all night with the Troxeles since the father's death?

A. Yes.

Q. Isn't it also true that you knew they did not require the children to stay in the father's room?

A. They had not spent the night there. They hadn't had an opportunity to.

Q. Isn't it also true you were aware as of the letter, as of the date of the letter attached to your pre-trial affidavit, that was the end of January, that is in deed what Doctor Young was basing, one of things she was basing her opinion on?

[193] A. That's what she wrote in her statement.

Q. That was the end of January, isn't that true?

A. I don't remember.

Q. I'd just like to hand you your pre-trial affidavit, just so you can refresh your recollection and look at the exhibit attached to it, please.

A. Is there a date I'm supposed to be looking for?

Q. On the exhibit.

A. Okay.

Q. What is that date?

A. January 15th.

Q. 19?

A. '94.

Q. Did you see that the anywhere around January or end of January?

A. I'm sure I did.

Q. Have you ever had any experiences of conflict with Mr. or Mrs. Troxel in the presence of the children?

A. No.

* * *

[194] * * *

CROSS EXAMINATION

BY MR. BISAGNA:

* * *

Riley Wynn, off to the left-hand side is seven months old, she is the little girl that has been in the courtroom?

A. Right.

Q. She is yours and his?

A. Right.

Q. Who is Riley's grandparents?

A. Tom and Sylvia Wynn and Linda and Robert St. Clair, Les and Kay Crosby.

Q. Natalie Troxel and Isabelle Troxel, Les and Kay Crosby?

[195] A. Crosby.

Q. And Linda and Robert St. Clair and Jenifer and Gary Troxel, is that correct?

A. Right.

Q. And Jessie Granville, Hallie Granville and Roth Granville, who are the grandparents of all those kids?

A. Jack Granville, Joan Granville, Linda and Robert St. Clair and Les and Kay Crosby.

Q. And Ryan Wynn and Kevin Wynn, who are the grandparents of those children?

A. Tom and Sylvia Wynn and I do not know the name of the other grandparents.

Q. Are there two sets of grandparents for Ryan and Kevin?

A. Yes, sir.

Q. You really do have a family of yours, mine and ours, is that correct?

A. Absolutely.

Q. And it looks like there are probably three sets of grandparents for Riley, Natalie and Isabelle?

A. Yes.

Q. Is there a schedule of visitation, I don't mean schedule as in written down or authorized by the Court or anything, is there a pattern of visitation [196] by the various sets of grandparents for the various sets of grandchildren?

A. Yes, there is.

Q. What is that pattern?

A. Each set of the grandparents that live near us usually have them about one afternoon a month.

Q. How did that come about, that they have them one afternoon a month?

A. They usually call and set it up with us ahead of time.

Q. Is that the same visitation schedule you'd like to see for the Troxeles, one afternoon?

A. Yes.

* * * *

DECREE OF ADOPTION OF ISABELLE ROSE OF THE SUPERIOR COURT OF SKAGIT COUNTY, WASHINGTON DATED AND FILED OCTOBER 28, 1996

IN THE SUPERIOR COURT OF
SKAGIT COUNTY, WASHINGTON

NO.

In the Interest of:

Infants:
NATALIE ANNE TROXEL, and
ISABELLE ROSE TROXEL

persons under the
age of eighteen

DECREE OF ADOPTION OF
ISABELLE ROSE

CLERK'S ACTION REQUIRED

I. CLERK'S ACTION

The Clerk of this Court is directed, upon payment of the customary fee, to provide counsel of record, Donald J. Bisagna, with five (5) certified copies of this decree.

II. BASIS

THIS MATTER has come on regularly for hearing before the undersigned, a regularly appointed and acting Judge of the above entitled Court on the petition of Kelly Thomas

Wynn, for a decree of adoption as to the above-named infant, Isabelle Rose Troxel. Said child was born on December 24, 1991, in Skagit County, Washington. The Court has previously made and entered its Findings of Fact and Conclusions of Law and has full and complete jurisdiction over the parties to this action and this subject matter. The Court has also determined that the Indian Child Welfare Act and the Soldiers and Sailors Civil Relief Act of 1940 do not apply to this proceeding. The Court does therefore,

III. ORDER

ORDER, ADJUDGE, and DECREE that the petition of Kelly Thomas Wynn, husband of the above-named infant's natural mother, Tommie Joann Wynn, is hereby granted. Infant, Isabelle Rose Troxel, born on December 24, 1991, in Anacortes, Washington, and domiciled in Anacortes, Skagit County, Washington when these proceedings commenced, is constituted the child of the petitioner, and he is hereby constituted a parent of this child in the same degree and effect as if the child had been born as the issue of the marriage existing between the petitioner and the infant's natural mother.

ORDERED, ADJUDGED and DECREED that the name of this minor child is hereby changed and established to be ISABELLE ROSE WYNN. It is further authorized and requested that a certificate of birth of the child, now ISABELLE ROSE WYNN, be issued by the Washington State Vital Statistics Office, in the usual form pursuant to adoption information furnished by petitioner to this Department. It is further ordered that all records of this

Department and the files in this case in connection with this child are to remain secret and to be disclosed only upon an order of the above-entitled Court for good cause shown.

ADOPTION SUMMARY

1. Full original name of the person to be adopted:

   ISABELLE ROSE TROXEL

2. Full new name of the person adopted:

   ISABELLE ROSE WYNN

3. Adoptee's actual or determined date of birth:

   December 24, 1991

4. Adoptee's actual or determined place of birth:

   Anacortes, Skagit County, State of Washington

5. Full name of petitioner:

   Kelly Thomas Wynn

6. Status of petitioner:

   Step parent

7. Indian Welfare Act:

   Does not apply

8. Soldiers and Sailors Civil Relief Act of 1940:

   Does not apply

DONE IN OPEN COURT this 28th day of October, 1996.

s/ Stanley K. Bruhn
Honorable Stanley K. Bruhn

Presented by:

s/ Donald J. Bisagna
Donald J. Bisagna, WSBA #7577
Attorney for Petitioner

DECREE OF ADOPTION FOR NATALIE ANNE OF THE SUPERIOR COURT OF SKAGIT COUNTY, WASHINGTON DATED AND FILED OCTOBER 28, 1996

IN THE SUPERIOR COURT OF
SKAGIT COUNTY, WASHINGTON

NO. 96-5-00140-0

In the Interest of:

Infants:
NATALIE ANNE TROXEL, and
ISABELLE ROSE TROXEL

persons under the
age of eighteen

DECREE OF ADOPTION FOR
NATALIE ANNE

CLERK'S ACTION REQUIRED

I. CLERK'S ACTION

The Clerk of this Court is directed, upon payment of the customary fee, to provide counsel of record, Donald J. Bisagna, with five (5) certified copies of this decree.

II. BASIS

THIS MATTER has come on regularly for hearing before the undersigned, a regularly appointed and acting Judge of the above entitled Court on the petition of Kelly Thomas

Wynn, for a decree of adoption as to the above-named infant, Natalie Anne Troxel. Said child was born on November 1, 1989, in Skagit County, Washington. The Court has previously made and entered its Findings of Fact and Conclusions of Law and has full and complete jurisdiction over the parties to this action and this subject matter. The Court has also determined that the Indian Child Welfare Act and the Soldiers and Sailors Civil Relief Act of 1940 do not apply to this proceeding. The Court does therefore,

III. ORDER

ORDER, ADJUDGE, and DECREE that the petition of Kelly Thomas Wynn, husband of the above-named infant's natural mother, Tommie Joann Wynn, is hereby granted. Infant, Natalie Anne Troxel, born on November 1, 1989, in Anacortes, Washington, and domiciled in Anacortes, Skagit County, Washington when these proceedings commenced, is constituted the child of the petitioner, and he is hereby constituted a parent of this child in the same degree and effect as if the child had been born as the issue of the marriage existing between the petitioner and the infant's natural mother.

ORDERED, ADJUDGED and DECREED that the name of this minor child is hereby changed and established to be NATALIE ANNE WYNN. It is further authorized and requested that a certificate of birth of the child, now NATALIE ANNE WYNN, be issued by the Washington State Vital Statistics Office, in the usual form pursuant to adoption information furnished by petitioner to this Department. It is further ordered that all records of this

Department and the files in this case in connection with this child are to remain secret and to be disclosed only upon an order of the above-entitled Court for good cause shown.

ADOPTION SUMMARY

1. Full original name of the person to be adopted:

   NATALIE ANNE TROXEL

2. Full new name of the person adopted:

   NATALIE ANNE WYNN

3. Adoptee's actual or determined date of birth:

   November 1, 1989

4. Adoptee's actual or determined place of birth:

   Anacortes, Skagit County, State of Washington

5. Full name of petitioner:

   Kelly Thomas Wynn

6. Status of petitioner:

   Step parent

7. Indian Welfare Act:

   Does not apply

8. Soldiers and Sailors Civil Relief Act of 1940:

   Does not apply

DONE IN OPEN COURT this 28th day of October, 1996.

s/ Stanley K. Bruhn
Honorable Stanley K. Bruhn

Presented by:

s/ Donald J. Bisagna
Donald J. Bisagna, WSBA #7577
Attorney for Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW DATED AND FILED JANUARY 3, 1996

SUPERIOR COURT OF WASHINGTON
FOR SKAGIT COUNTY

NO. 93-3-00650 7

In Re the Visitation of:

NATALIE ANNE TROXEL,
ISABELLE ROSE TROXEL,

Minors,

JENIFER TROXEL, and GARY TROXEL,
Paternal Grandparents,

Petitioners,

and

TOMMIE GRANVILLE, Mother,

Respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW
(VISITATION)
(FNFCL)

I. HEARING/TRIAL

1.1 A trial was held on December 14, 1994 and December 19th, 1994.

1.2 The findings are based on trial.

1.3 The following people attended: Petitioners and attorney MARY H. MCINTOSH, Respondent and their attorney DONALD BISAGNA; also, lay witnesses and expert witnesses, Tamar Groffman, a therapist, and Nora Young, PhD, psychologist.

II. FINDINGS OF FACT

Upon the basis of the court record, the court FINDS:

2.1 The petitioner is seeking visitation rights with the following children:

NATALIE ANNE TROXEL, DOB: 11/1/89
ISABELLE ROSE TROXEL, DOB: 12/24/91

2.2 BASIS OF JURISDICTION.

This state is the home state of the children because the children lived in Washington with a parent for at least six consecutive months immediately preceding the commencement of this proceeding.

2.3 BEST INTEREST OF THE CHILDREN.

The following facts are deemed in the best interest of the children:

2.3A. The children are the children of Respondent and the Petitioner's deceased son, Brad Troxel.

Findings of Fact and Conclusions of Law

2.3B. Brad Troxel died in May of 1993.

2.3C. The Petitioners brought this action in order to be awarded certain and specific visitation rights with the children.

2.3D. The Petitioners are part of a large, central, loving family, all located in this area, and the Petitioners can provide opportunities for the children in the areas of cousins and music.

2.3E. The court considered the best interests of the children as mandated by RCW 26.09/160 (3). The court took into consideration all factors regarding the best interest of the children and considered all the testimony before it. The children would be benefitted from spending quality time with the Petitioners, provided that that time is balanced with time with the childrens' nuclear family. The court finds that the childrens' best interests are served by spending time with their mother and stepfather's other six children.

2.3F The experts did not have an opportunity to interview all parties. They neither interviewed the Troxels nor observed them with their grandchildren.

2.3G Expert Young based her opinion, in part, upon erroneous factual information, specifically the fact that one of the children slept in the bedroom in which the Petitioners' son committed suicide.

2.3H The court viewed a videotape of the children and the Petitioners.

Findings of Fact and Conclusions of Law

2.3I Having this balance in mind, the court finds that the Petitioners should be awarded the following visitation:

1. One weekend per month, starting on Saturday at 4:30 p.m. to Sunday at 6:00 p.m., starting with the month of March, 1994.

2. One Sunday in January and one Sunday in February, starting at 10:00 a.m. and ending at 6:00 p.m.

3. One week in the summer, from Sunday to Sunday, which week will include the weekend above described from that month. The visitation will commence at 10:00 a.m. on the first Sunday and terminate at 6:00 p.m. on the last Sunday. The Petitioners will give thirty (30) days notice of the week that they desire for that visitation. For purposes of this provision, the summer is defined as being from June 15th through September 1st. The Grandparents shall seek the approval of the Mother should they wish to take the children out of the country for an extended visitation. Should the Mother withhold agreement, the parties shall mediate the dispute at Common Ground, Mount Vernon, Washington.

4. Four hours on each of the Petitioners' birthdays, at the Petitioners discretion, not to interfere with the childrens' school hours.

2.3J. The following conditions should apply to the parties and become an order of this court:

1. Respondent should keep the Petitioners apprised of school and extracurricular events, such as school plays, open houses, sports events, performances and recitals, and the like.

2. All parties should assure that the child, Isabelle, is called Isabelle, rather than her middle name "Rose", the former of which is the mother's choice of a name for the child.

3. The parties should confer with regard to answering all questions as to the death of Brad Troxel. Since it is likely that the questions will be put before the Petitioners by the children, the Petitioners should change the subject until a unified approach can be reached as to the answers to give the children.

4. Petitioners or either of them should provide their portion of the transportation for the children, unless there is an emergency, then the Troxel adult children, (defined as the sons, the daughter and the daughters and sons in law) can provide the transportation.

5. The weekend visitation should be held on the second weekend of each moth, PROVIDED HOWEVER, that should this be the weekend with the children's step-siblings, the Wynn children, the

weekend visitation should be the third weekend of each month. In addition, if Petitioner is successful in her intended litigation to obtain weekend visitation for herself with her oldest son, the Petitioners' weekend should the second weekend of each paragraph 5 is met. In any event, the notice should not be less than **ten days**. If the notice is less than ten days, the Petitioners inconvenience and inability to plan will prevail over the rationale of these children spending more time with their step-siblings or half brother and the Petitioners weekend should be the second weekend.

7. The Sunday visitation for the months of January and February of 1995 should continue as under the prior order, i.e., the first weekend of each month.

8. Whether the weekend is defined as the first, second, or third weekend of the months will be defined as follows: A weekend is the first weekend of the month if the 1st day of the month is a Saturday or earlier. The definitions for the subsequent weekends derive from this definition.

9. Responsibility for transportation shall be as follows: The Respondent or anyone at her designation, shall deliver the children at the commencement of the visitation and the Petitioners shall deliver the children at the termination of the visitation, subject to the terms above stated.

2.4 LIMITATIONS ON VISITATION. See paragraph 2.3

2.5 OTHER: NOT APPLICABLE

III. CONCLUSIONS OF LAW

The court makes the following conclusions of law from the foregoing findings of fact:

3.1 The court has jurisdiction over the children.

3.2 DISPOSITION.

The request for visitation in the petition should be granted.

3.3 VISITATION.

Visitation is ordered as detailed in the FINDINGS.

3.4 Other: Both expert opinions should be discounted because of the facts noted in the FINDINGS.

DATED this 3 day of January, 1996.

s/ Michael Rickert
JUDGE MICHAEL RICKERT

Presented by:

s/ Mary H. McIntosh
MARY H. McINTOSH #12744
Attorney for Petitioners